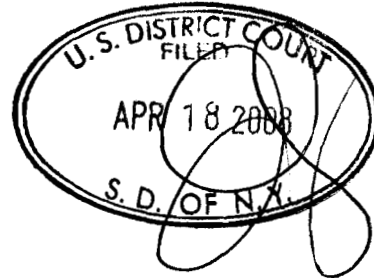


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



PRO SE OFFICE

-----X
:
RAUL DAVIS,
:

Petitioner,

: 07 Civ. 9265 (SHS)(FM)

: NOTICE OF MOTION
:

-against-
:

ROBERT ERCOLE
:

Respondent,
:
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/6/08

MEMO ENDORSED

Sir/Madam,

Please take notice that upon the annexed affirmation of Mr. Raul Davis, affirmed April 14th, 2008 and upon the complaint herin, petitioner will move this Court, in room _____ U.S. District Court house S.D.N.Y. N.Y. N.Y. 10007 on the _____ day of 2008, at _____ am or soon thereafter as petitioner can be heard for an Order granting petitioners request for a stay/abeyance on his timely filed habeas petition, and holding the proceedings in abeyance so that petitioner may return to the State court to properly exhaust his State remedies; before returning back to Federal court for possible review, and for such relief as the Court deems Just and proper.

Dated: Stormville, New York

April, 14th 2008

Motion granted on consent on condition that the petitioner file his \$440.10 motion within thirty days of his receipt of this order; notify this Court within thirty days after he has exhausted his remedies with respect to that motion; and furnish the Court with a copy of any rulings by the State court regarding his motion, together with a copy of his motion papers.

Frank Mass, USAJS, 5/6/08

MEMO ENDORSED